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- Request No. B-38 – Please provide any and all documents governing, describing, detailing, or otherwise relating to the relationship between You and the persons identified in Exhibit B. [Persons identified in Exhibit B include, but are not limited to: Yassin Abdullah al Kadi, Chafiq Ayadi, Hasan Cengic, Adel Batterjee, and Mohamed Bayazid.]
 - Request No. B-39 – Please provide any and all documents sent to, and/or received from the persons identified in Exhibit B, including without limitation, all documents relating to the transfer of funds between You and those persons.
 - Request No. B-40 – Please provide all documents relating to any accounts in any banking or financial institution You hold or held jointly with, or on behalf of the persons identified in Exhibit B, and/or any accounts over which You hold or have held signatory authority.

See Plaintiffs' Request Nos. B38-40 at Exhibit 1.

Once again, Jelaidan objects to each of these discovery requests by asserting that both the timeframe and breadth of the requests are "much too expansive and burdensome:"

Despite the foregoing and preserving all our objections, WJ states that no responsive documents will be produced because both the timeframe and breadth of this request is much too expansive and burdensome. Should Plaintiffs identify a reasonable amount of specific individuals and a reasonable and relevant timeframe, WJ would endeavor to focus a search that may or may not produce documents responsive to this request.

(Emphasis added). See Jelaidan's Responses to Plaintiffs' Request Nos. B38-40 at Exhibit 2.

Despite this Court's December 2007 Order (MDL Docket Entry No. 2059) rejecting and striking Jelaidan's timeframe and burden objections, the defendant has yet to produce a single document in response to Plaintiffs' discovery requests and should be compelled to immediately produce the requested materials.

1. Jelaidan has failed to produce any documents relating to his relationships with Yassin Abdullah al Kadi and Chafiq Ayadi.

Jelaidan has failed to produce documents relating to fellow Executive Order 13224 designees Yassin Abdullah al Kadi and Chafiq Ayadi despite well-documented personal and business relationships between and among the three men. See October 12, 2001 U.S. Department of the Treasury designations for Kadi and Ayadi, attached hereto as Exhibit 15.

Family friends since the 1980's, Jelaidan and Kadi are known to have held seats on various boards together, invested in several businesses together, and have generally supported each other's business and/or purported charitable endeavors. For instance, the two men were board members of the Executive Order 13224 designated Al Haramain & Al Masjed Al Aqsa

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Charity Foundation ("AHAMAA"). *See* Statement of Yassin Abdullah Kadi to the U.S. Foreign Assets Control at Exhibit 16, pp. 42 and 55; *see also* Plaintiff's Chart at Exhibit 10 (discussing the Treasury Department's designation of the AHAMAA). In addition, Jelaidan and Kadi sat on the board of the Dar al Walidain School in Sarajevo, Bosnia, which operated under the patronage of the AHAMAA. *See* Exhibit 16, pp. 54-55.

Jelaidan and Kadi were also shareholders in Abrar of Saudi Arabia, a travel company established to provide services to Muslim pilgrims, as well as a Bosnian investment company called Euroinvest which had originally been created by E.O. 13224 designee Ayadi. *See* Exhibit 16, pp. 54-56, 67, and 77.

Moreover, when Jelaidan was appointed as Executive Director of the Saudi Joint Relief Committee ("SJRC") in Albania and Kosovo in 1999, Kadi's companies in Albania provided the SJRC with considerable support and resources. *See* Exhibit 16, pp. 54 and 56 (stating that Kadi's companies provided the SJRC with apartments and office space, among other things).

Kadi is also known to have transferred significant sums of money directly to Jelaidan. According to Swiss authorities, Kadi transferred approximately \$23 million to the accounts of Jelaidan. *See* Exhibit 17. In addition, Kadi transferred \$1.25 million to Jelaidan in 1998 through the defendant's Maram Company in Turkey. *See* Section B(8) *supra*.

Importantly, Jelaidan was instrumental in introducing Kadi to Chafiq Ayadi.¹¹ While working with Kadi to establish an advanced teacher's college in Zagreb, Croatia, Jelaidan recommended that Kadi hire Ayadi to manage the college. *See* Exhibit 16, pp. 34 and 54; *see also* Exhibit 19, OFAC Designation Memorandum for Yassin al Kadi, p. 8. That same year, Kadi hired Ayadi to head Muwafaq's European operations, again based upon the recommendation from Jelaidan. *See* Exhibit 13, pp. 10 and 21-22; Exhibit 19 at p. 28 (stating that there is "substantial and credible evidence that both Muwafaq as an entity, and many of the individuals charged with operating it and distributing its funds, were engaged in a longstanding pattern of supporting terrorist and extremist causes."). Notably, all three men were shareholders in KA Stan, a construction company set up in 1996. *See* Exhibit 16, p. 79.

Having failed to produce any documents in response to Request Nos. B-38-B-40, Plaintiffs respectfully request that Your Honor compel the defendant to produce all responsive documentation and information requested by the Plaintiffs.

¹¹ Ayadi has been identified as one of the heads of the Tunisian Islamic Front ("TIF"), which is the armed branch of Ennahdha, a Tunisian terrorist organization. *See* INTERPOL Fusion Taskforce, Financing of Terrorism, March 2003, attached hereto as Exhibit 18, pp. 26-29. In the 1990's, Ayadi went to Afghanistan where he became the TIF representative to al Qaeda and attended military training camps. *Id.* During the Bosnian War, Ayadi acted under the cover of a humanitarian organization to buy weapons and false documentation for terrorist activities. *Id.*

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2. Jelaidan has failed to produce any documents relating to his relationship with Hasan Cengic.

Hasan Cengic is the former Deputy Prime Minister and Defense Minister of the Federation of Bosnia and Herzegovina and a radical, militant Muslim cleric who provided significant financial, material, and logistical support to Osama bin Laden and the al Qaeda network. The Imam of an important mosque in Zagreb, Croatia, Cengic served as the local “primary organizer” of arriving foreign mujihadeen during the Bosnian War and turned his mosque into the central point of entry for Arab militants loyal to al Qaeda traveling to Bosnia via Croatia.¹² Moreover, as a member of the Third World Relief Agency (“TWRA”) supervisory board, Cengic aided Islamic terrorists, including bin Laden, with the financing and shipment of massive amounts of weapons to Bosnia.¹³ On May 29, 2003, the U.S. Department of the Treasury designated Cengic as a Specially Designated Global Terrorist. See Exhibit 20.

As set forth above in Section I(B)(7), an investigation of TWRA bank accounts by German authorities revealed six (6) large monetary transfers linked to Jelaidan himself, totaling more than \$11 million. Four (4) of those transactions attributed to Jelaidan, totaling \$7,058,973.20, are linked directly to Cengic.

Ser. no.	Date posted	Recipient/ Sender	Accounting-holding bank	Account	Posting text	Amount in USD
256	4/7/93	Wael Jelaidan Acct. no. xxxxx1587	Bank Austria (Former Z), Vienna	xxxxx1587	Debt repayment Hasan Cengic	-960,000.000 USD
261	4/9/93	Wall Jelaidan [sic] Acct. no. xxxxx1587	Bank Austria (Former Z), Vienna	xxxxx1587	Debt repayment Hasan Cengic	-98,973.20 USD
294	5/11/93	Wael Jelaidan Acct. no. xxxxx1587 Account with: Bank Austria	Bank Austria (Former Z), Vienna	xxxxx1587	Debt repayment Hasan Cengic	-2,000,000.00 USD
356	6/30/93	Wael Jelaidan Acct. no. xxxxx1587	Bank Austria (Former Oelb), Vienna	xxxxx1587	USD 4,000,000.- Less bank charges Debt repayment Hasan Cengic	-4,000,000.00 USD

See Exhibit 11, pp. 13-14.

¹² See Agence France Presse, “Hostage Drama After Five Killed in Police Raids,” March 29, 1996; Agence France Presse, “Police Arrest Gunman, Hostages Released in Belgium,” March 29, 1996.

¹³ See Washington Post, “Bosnian Officials Involved In Arms Trade Tied To Radical States,” September 22, 1996, p. A26. Sheikh Omar Abdel Rahman (a/k/a “The Blind Sheikh”), the radical Egyptian cleric who was convicted for his role in the 1993 World Trade Center bombing, has been linked to Cengic and the leadership of the TWRA.

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To date, the defendant has failed to produce any documentation relating to his relationship with Executive Order 13224 designee Cengic and/or the transfers of funds identified above by German authorities. Accordingly, Jelaidan should be compelled to immediately produce all requested materials identified in Request Nos. B-38-B-40.

3. Jelaidan has failed to produce any documents relating to his relationship with Adel Batterjee.

On December 21, 2004, the U.S. Department of the Treasury designated Adel Batterjee “for providing financial and material support to al Qaeda and Usama bin Laden.” See Treasury Designation at Exhibit 21. Batterjee served as the Executive Director and a member of the Board of Directors of the Benevolence International Foundation (“BIF”), another purported charitable organization designated in November 2002 for the organization’s longstanding support to al Qaeda and bin Laden. *Id.* According to Treasury, Batterjee “has ranked as one of the world’s foremost terrorist financiers, who employed his private wealth and a network of charitable fronts to bankroll the murderous agenda of al Qaeda.” *Id.*

In support of that designation, Treasury identified Batterjee (“Baterji”) as one of the wealthy financiers of the al Qaeda network listed on the “Golden Chain.”¹⁴ Jelaidan is also identified on the Golden Chain document. U.S. intelligence and enforcement agencies have concluded that the Golden Chain is an authentic al Qaeda document identifying al Qaeda’s most important financial benefactors and the individuals responsible for coordinating their contributions to al Qaeda. Indeed, the 9-11 Commission’s Final Report refers to the Golden Chain as the al Qaeda organization’s “financial supply network” put together mainly by financiers in Saudi Arabia and the Persian Gulf states.¹⁵

Jelaidan’s long-standing relationship with Batterjee (which dates back to the formation of al Qaeda in the late 1980’s) has been confirmed by additional documentation uncovered during the same raid of the Benevolence International Foundation’s (“BIF”) offices in Bosnia which led to the discovery of the Golden Chain. As set forth in the seized documents, a 1988 dispute between two purported charitable organizations was submitted to secret arbitration overseen by members of al Qaeda’s fatwa committee. One of the relief organizations involved in the

¹⁴ The Golden Chain document was discovered during the March 2002 raid of the Bosnian offices of the Benevolence International Foundation, conducted jointly by the FBI and Bosnian Police. During the course of that raid, the authorities seized several computer hard drives, one of which included a file named “Tareekh Osama” (“Osama’s History”), containing scanned images of documents chronicling the formation of al Qaeda. The “Golden Chain” document was among several hundred documents contained in this computer file. Based on their analysis of all the documents within that file, and intelligence gathered from other sources during the war on terror, officials of the U.S. government concluded that the document is “a list of people referred to within al Qaeda” as wealthy donors to the movement. See Government’s Evidentiary Proffer supporting the Admissibility of Co-Conspirator Statements, *United States of America v. Enaam M. Arnaout*, No. 02-CR-892 (N.D. Ill. filed January 6, 2003); <http://f11.findlaw.com/news.findlaw.com/wsj/docs/bif/usarnaout10603prof.pdf>.

¹⁵ See Final Report of the National Commission on Terrorist Attacks Upon the United States, p. 55, <http://www.9-11commission.gov/report/911Report.pdf>.

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controversy was the Saudi Red Crescent Society which Jelaidan headed at that time. According to the United States government, Batterjee sided with Jelaidan in the dispute.¹⁶

Notably, this Court denied defendant Batterjee's motion to dismiss on January 18, 2005, finding that the Plaintiffs' allegations regarding the terror financier's activities were sufficient to support a finding of personal jurisdiction. *See* Judge Richard Casey's Opinion at 349 F. Supp. 2d 765, 823-825. Although Batterjee remains a defendant in this litigation, he is technically in default for his failure to respond to Plaintiffs' discovery requests. In fact, both he and his attorney of record have refused to participate in this litigation following Judge Casey's denial of his motion. In any event, the discovery of relevant communications and transactions between the two co-defendants should not be unreasonable.

Jelaidan has failed to produce any documents regarding his relationship with Batterjee and should be compelled to produce all responsive information set forth in Request Nos. B-38-B-40.

4. Jelaidan has failed to produce any documents relating to his relationship with Mohamed Bayazid.

As discussed in Section I(B)(8) above, Jelaidan owned the Maram Company with Mohamed Bayazid (a/k/a Abu Rida). Although not an Executive Order 13224 designee, Bayazid is a co-founding member of al Qaeda and a key figure in the terror group's efforts to obtain large caches of weapons, including materials for a nuclear bomb.¹⁷

Documents uncovered during the 2002 raid of the BIF's offices in Bosnia reveal the two men were close associates to bin Laden in the early days of al Qaeda. In a letter to Bayazid ("Abu al Ridha") on Saudi Red Crescent letterhead, bin Laden requests that all weapons be inventoried. At the bottom of the letter is a note from bin Laden to Jelaidan ("Abu al Hasan") stating that "we have an extreme need for weapons so I urge that you not provide them with more than 25% of the existing weapons." *See Exhibit 22*. In a second letter to Bayazid, bin Laden concludes the letter by asking him to "communicate my greeting to Abu Al-Hasan Al-Madani [Jelaidan]." *See Exhibit 23*.

Jelaidan has yet to produce any documentation relating to his relationship with Bayazid. Accordingly, the defendant should be compelled to immediately produce all materials identified in Request Nos. B-38-B-40.

¹⁶ *See* Government's Evidentiary Proffer supporting the Admissibility of Co-Conspirator Statements, *United States of America v. Enaam M. Arnaout*, No. 02-CR-892 (N.D. Ill. filed January 6, 2003), p. 31, n. 18.

¹⁷ *See* Government's Evidentiary Proffer supporting the Admissibility of Co-Conspirator Statements, *United States of America v. Enaam M. Arnaout*, No. 02-CR-892 (N.D. Ill. filed January 6, 2003), pp. 20-24, 30-32, 38, 46, and 49.